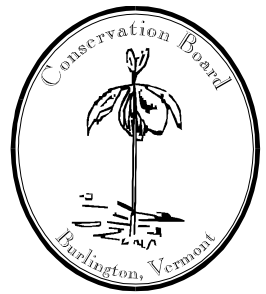


## Burlington Conservation Board

645 Pine Street  
Burlington, VT 05401  
<http://www.burlingtonvt.gov/DPI/CB>  
Telephone: (802) 865-7189

*Miles Waite, Chair  
Zoe Richards  
Don Meals  
Matt Moore  
Ryan Crehan  
Hannah Brislin  
Rebecca Roman  
Jules Lees  
Tori Hellwig*



## Conservation Board Meeting Minutes

Monday, September 14, 2020 – 5:30 pm

Remote Meeting

### Attendance

- **Board Members:** Zoe Richards (ZR), Ryan Crehan (RC), Miles Waite (MW), Matt Moore (MM), Don Meals (DM), Hannah Brislin (HB), Tori Hellwig (TH)
- **Absent:** Jules Lees (JL), Rebecca Roman (RR)
- **Public:**
- **Staff:** Scott Gustin (Permitting & Inspections)

MW, Chair, called the meeting to order at 5:32 p.m.

### Minutes

Meeting minutes of July 6, 2020

MW noted on pg. 2, 5<sup>th</sup> paragraph, that “Abenaki” is misspelled. On pg. 3, in the motion “geo technical” should be one word, and “ground water” should also be one word.

A MOTION was made by DM and SECONDED by ZR:

Accept the July 6 minutes as corrected.

Vote: 5-0-2, motion carried.

### Board Comment

MW asked whether the Board's recommendation as to soil borings for the Pearl Street PUD they reviewed last time was included in Development Review Board action. SG noted that the DRB will review the project tomorrow evening and that the Conservation Board's recommendation is included in the staff report.

DM noted ongoing problems with DPW's rain garden installation at the corner of Caroline and Locust. He needed to make multiple complaints before the project was brought to resolution and completion. MW said that the St. Paul Street rain gardens are doing well. DM said that the grading has been redone to get water into the entrance structure at Caroline and Locust. ZR asked whether Parks in charge of green infrastructure once installed. SG said he'd follow up with Dan Cahill to address this item on a future agenda. DM said he talked to the subcontractor installing the rain garden. He noted the vegetation seems not to be growing well yet.

ZR, hoping to open another 4-5 mile section of the Burlington Wildway to connect Ethan Allen Park with Rock Point. We will do a soft opening this fall. It is not through Arms forest yet. ZR also noted the UVM study of natural areas during COVID. Usage is up substantially.

### Public Comment

None.

The programs and services of the Dept. of Planning and Zoning are accessible to people with disabilities. For accessibility information call 865-7188 (865-7142 TTY).

### **Open Space Subcommittee**

SG gave a status update of the Open Space Addendum RFP. It was posted early this month. It will be posted through 9/28. Five or six consultants have made inquiries. Seems like qualified individuals are looking at the RFP. The subcommittee will review proposals in early October to make recommendations to the full BCB, execute a contract, and seek funding approval from the Council. ZR provided a quick overview of what the nature-based climate solutions addendum is aimed at.

MM said an application was received for a potential conservation project on Manhattan Drive. It involves a small home on a double lot. It may be a good location for a community garden. The applicant does not have site control, but the subcommittee discussed the application, and the process generally, with him. The property is under contract for purchase by someone else, but perhaps it could work out anyway. He's interested to hear from Dan Cahill as to Parks' interest in having a community garden here. MW asked if it is contiguous with other open space. MM, no, it's just a patch of green space within a neighborhood. ZR said that it was certainly not ready to come before the full Board. It was a worthwhile discussion. We will be continuing discussion as to procedure generally.

ZR mentioned her work looking into a logo for the BCLF. It would be great to have a logo for public recognition of the city's conservation dollars at work. MW mentioned the urban wilds logo. ZR said we'll follow up with SG and DC. We'll come back with a draft for the Board to look at.

### **Project Review**

#### **1. 21-0119CA; 81 Crescent Beach Dr (RL-W, Ward 4N) Andy Kaplan & Nathalie Feldman**

Demolish existing single family home and reconstruct new single family home within the lakeshore buffer.

Brad Rabinowitz appeared on behalf of this application.

Brad Rabinowitz overviewed the project. The existing home is to be demolished and replaced with a new home. The site is flat towards the lake. Stormwater will be infiltrated into the surrounding green space.

MM asked why the Board is reviewing this application. SG explained that the project is located entirely within the lakeshore buffer and that developed area will increase. Therefore, review by the Conservation Board per the lakeshore buffer standards is required.

RC asked about shoreland review. SG said that the BCB's review under the lakeshore buffer standards takes the place of the state review.

DM asked why existing home being demolished. Mr. Rabinowitz said the existing basement is basically within the flood zone. The proposed home will be built on a slab.

Mr. Rabinowitz said that there is one tree on the street side of the home that may be replaced.

DM asked about the new stone patio and paver driveway. Will any be pervious? Mr. Rabinowitz said they are designed to be impervious, but installing pervious may be possible.

MM, what is the before and after development footprint? Mr. Rabinowitz said that ~ 4,000 sf + going to ~ 5,000 sf+ lot coverage. The lot is 20,280 sf. Coverage will be 28.8%.

RC asked about the building elevation. Mr. Rabinowitz said it will be 106' elevation for the proposed home. RC, is any fill being added? Mr. Rabinowitz, no, but some regrading is proposed. Cutting on street side and raising on the lakeside.

DM, when the foundation is being demoed, will you remove the concrete or just fill it in? Mr. Rabinowitz, we'll remove the concrete.

ZR, can we discuss intent of the shoreland standards for application reviews along the lakeshore when we don't have an application pending? SG, yes.

RC agrees that discussion would be helpful. MW, can review state standards as well.

A MOTION was made by MW and SECONDED by MM:

Approve the application as proposed.

Vote: 5-2-0

**2. 20-1003CA; 24 Sunset Cliff Rd (RL-W, Ward 4N) Kimberly & John Kane**

Construct addition to single family home within the lakeshore buffer zone.

Jenn Desautels and Jack Kane appeared on behalf of this application.

Jenn Desautels gave an overview of the project. The addition is on the lakeside because of available buildable area. An increase from 4,427 to 5,101 sf lot coverage is proposed. One tree will be removed. It's a pine tree that is presently leaning.

SG pointed out that the zoning setbacks push the buildable area behind the house. A front addition was contemplated but not possible. DM said that a discussion of such conflicts between zoning setbacks and protection of the lakeshore is warranted.

MW understands the average provision for setbacks, but it doesn't seem to make sense here.

RC, what is the setback from the top of bank? Ms. Desautels, its ~50'. She noted the yard slopes steeply down towards the lake.

MW, will the addition increase bedroom count? Ms. Desautels, no. MW, then no increased wastewater flows.

ZR, could we recommend a variance? SG, yes, you could, but the project does not really qualify. A variance may be granted when development is impossible otherwise. That is not the case here.

DM this is absurd to have this conflict. Ms. Desautels, the owner is between a rock and a hard place. ZR, we could note that our zoning has forced an unfortunate conservation outcome. The way the setbacks work, the applicants are forced into a more fragile area.

Jack Kane said he fears a catch 22 with lack of a conservation board recommendation but needing DRB approval. He's looking to construct in the coming months.

DM suggests that instead of a motion stating the Board doesn't endorse, the BCB could choose not to make a recommendation and state why. ZR concurs that this makes sense. We are seeing a number of similar applications, but we need to look out for the lake too.

A MOTION was made by DM and SECONDED by ZR:

The Conservation Board does not make a recommendation one way or the other. We find it unfortunate and unproductive to have a setback forcing development closer to the lake against conservation principles.

MM, how much did you vet this before purchase of the property? Ms. Desautels, the owners were very proactive with her office, initially looking at a modest garage addition out front. Now we are here following several iterations. Mr. Kane said initially they were mimicking a prior approval from 2002. SG noted that predates the current lakeshore buffer standards.

Vote: 7-0-0

RC said he's look into having one of the state permit specialists join us for discussion of the state's lakeshore standards. He doesn't think that we're implementing the act fully as intended. DM agrees. ZR said she wants to do a better job with review of these applications. MW suggested that he could put some slides together to get into what the act is all about. MW asked about how delegation was obtained. SG explained that delegation was sought and obtained from VT ANR. The city's lakeshore buffer standards, along with lakeshore setbacks and zoning standards, were found to be functionally equivalent to the state standards.

**Adjournment**

The meeting adjourned at 7:03 PM.